IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 17738 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KIRITKUMAR BHAGUBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 17738 of 2003

MR NM KAPADIA for Petitioner No. 1

MS PJ DAVAWALA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/08/2004

ORAL JUDGEMENT

1.0 The petitioner herein has prayed for directing the respondent authority to issue Passport to the petitioner.

2.0 The petitioner was holding a Passport which expired on 23/10/2000. He applied for the issuance of a fresh Passport on 08/10/2002. Though police inquiry was completed on 28/10/2002 and legal notice for issuance of

the Passport was issued on 08/08/2003, the petitioner has not received the same.

3.0 Mr.N M Kapadia learned advocate for the petitioner has submitted that for no fault of the petitioner, the petitioner has been deprived from holding Passport even after a period of 1 year and 2 months. He has further submitted that a Demand Draft dated 31/03/2004, favouring the Regional Passport Officer, Ahmedabad, has also been issued which was handed over to the respondent authority on 01/04/2004. In spite of the above, nothing has been done till date.

4.0 Having heard the parties and looking to the facts and circumstances and also the material placed on record, the respondent is directed to look into the case of the petitioner on the basis of the evidence already adduced or which may be adduced by the petitioner in support of his case. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order.

5.0 In above view of the matter, the petition is allowed. The respondent authority is directed to consider the application of the petitioner for issuance of Passport and to decide the same within a period of four weeks from the date of receipt of writ of this order. Notice is discharged. Direct service is permitted.

(K. S. Jhaveri, J.)

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